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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,140	06/20/2001	Shih-Pan-Yu Hsieh	4712-118 US	3091

7590 12/02/2004

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EXAMINER

PALO, FRANCIS T

ART UNIT PAPER NUMBER

3644

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/885,140

Applicant(s)

HSIEH ET AL.

Examiner

Francis T. Palo

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,8-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8-12 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on none filed is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 5, 6, 8-12 and 15** are rejected under 35 U.S.C. 103(a),  
as being unpatentable over Weber (US 526,512) 1894  
in view of Young (GB 2270453A) 1994.

#### Regarding **independent claim-1**:

Weber teaches a seed sowing method and device comprising the steps cited in the instant claim; Weber does not specifically teach a fabric base having the thickness cited in the instant claim.

Young recites a seeding system utilizing a flexible perforated woven substrate ('453A claim-6), having a thickness in the range of from 0.02mm-2.00mm ('453A claim-4).

The instant invention is obvious over Weber in view of Young.

Weber specifically discloses a substrate of some suitable fertilizer combined with some fibrous material to form a sheet (column-2, lines 54-58); the Examiner contends that "some fibrous material", as disclosed by Weber, encompasses a fabric base as cited in the instant claim, and said material is earlier disclosed in the Weber reference as moisture retentive and a soil fertilizer (column-1, lines 25-29), which reads on water-absorbing ability, humidity-maintaining ability and natural decomposing ability, as cited in the instant claim.

Weber further teaches inlaying seeds into concavities of specific intervals in the substrate and covering with a securing layer before placement onto soil, as cited in the instant claim, (column-2, last paragraph thru column-3).

Weber further discloses the substrate is of sufficient thickness to allow pockets or holes to be made in the substrate to receive seeds (column-2, lines 65-68), and the Examiner contends that the thickness cited in the instant claim in combination with the cited step of inlaying the seeds in the concavities, reads on the sufficient thickness to receive seed as taught by Weber.

In the alternative, Young as mentioned above teaches a woven substrate with a thickness that encompasses the cited fabric thickness as cited in the instant claim.

Art Unit: 3644

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have utilized a fabric substrate in the device of Weber as taught by Young and cited in the instant claim, as further such modification is merely an alternate equivalent seed carrier means performing the same intended function of securing seeds to a ground surface.

Regarding **independent claim-11**:

The thin fabric base as cited in the instant claim is encompassed by the discussion above regarding claim-1.

Regarding **independent claim-15**:

The fabric mulching sheet as cited in the instant claim is encompassed by the discussion above regarding claim-1.

Regarding repeating **claims 2 and 12**:

The discussions above regarding the independent claims are relied upon.

Weber discloses the sheet acts in the nature of a mulch and prevents the wild grass or weeds in the soil beneath the mat from growing (column-3, lines 19-24), read as; comprising light blocking material for preventing weeds from growing, as cited in the instant claim.

Art Unit: 3644

**Regarding claim-5:**

The arrangement of the concavities as cited, is discussed above in the rejection of claim-1.

**Regarding claim-6:**

The discussion above regarding claim-1 is relied upon.

The arrangement and covering of the concavities with a securing layer as cited, has been discussed above, and the inducement of the seeds in the concavities as cited, is evident from the Figure of Weber, while the humidity-maintaining ability as cited, is inherent to the device of Weber.

**Regarding claims 8 and 9:**

The discussion above is relied upon.

Weber discloses pasting or otherwise affixing the cover onto the substrate (column-2, lines 98-102 and column-3, lines 1-3), uniformly spraying the adhesive as cited in the instant claim, would be encompassed by the "otherwise fixing" method as taught by Weber.

Art Unit: 3644

Regarding **claim-10**:

The discussion above regarding claim-1 is relied upon.

Weber teaches a method and device for planting seeds, the method would encompass the planting of the seed selections as cited in the instant claim.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 5, 6, 8-12 and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3644

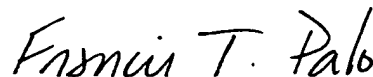
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis T. Palo whose telephone number is 703-305-5595. The examiner can normally be reached on M-Tu.,Th.-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TERI PHAM LUU**  
**SUPERVISORY**  
**PRIMARY EXAMINER**



**Francis T. Palo**  
**Examiner**  
**Art Unit 3644**